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POLICIES OF APARTHEID OF THE GOVERNMENT
OF SOUTH AFRICA

SECURITY COUNCIL
Forty-seventh year

Letter dated 9 September 1992 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to submit a memorandum by the South African Government on the events which took place at Bisho, Ciskei, on 7 September 1992 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as an official document of the General Assembly, under item 33 of the provisional agenda, and of the Security Council.

(Signed) V. R. W. STEWARD
Ambassador
Permanent Representative

* A/47/150.

ANNEX

MEMORANDUM SUBMITTED BY THE SOUTH AFRICAN GOVERNMENT TO THE SECRETARY-GENERAL OF THE UNITED NATIONS ON THE EVENTS WHICH TOOK PLACE AT BISHO, CISKEI, ON 7 SEPTEMBER 1992

The events at Bisho in the Ciskei on 7 September 1992, have shocked South Africa and the world. Tragically, 28 people died in the shootings, and approximately 190 were injured. It does not lessen our horror to know that such an outcome was both feared and predicted. Nor does it diminish our anguish to remind ourselves that it could have been avoided. Like so many human catastrophes, in which people unnecessarily lose their lives, this incident could serve no conceivable purpose other than to fan the flames of violence, and play into the hands of those who preach mass action and revolution in order to obtain political power in an unconstitutional way.

The strong and unequivocal stand which the Secretary-General as well as the Security Council, have taken on the issue of violence in South Africa, has been welcomed by the South African Government. They have called on all parties to work together to end the violence, and have urged all parties to return to the negotiating table in order to lay the

groundwork for a speedy transition to a non-racial democracy. The South African Government has associated itself with these objectives, and again reaffirms its commitment to them.

What happened at Bisho on 7 September 1992 is the very antithesis of what the South African Government is striving for. The Government warned against the planned mass action of the ANC/Communist Party alliance out of concern that their defiance, intimidation and provocation, would have disastrous results in the prevailing atmosphere of tension and hostility. The Government also urged the leader and the Government of Ciskei to act with restraint, and to honour whatever court decisions were made prior to the incident. The Government's warnings and advice went, largely, unheeded.

What made these ghastly events so predictable, was the determination of the ANC/Communist Party alliance to press ahead with its plans for mass mobilisation, with what appeared to be a callous disregard for human life and for the views and feelings of others. As early as 23 August 1992, at a meeting attended by the ANC and the South African Communist Party a discussion paper was presented, suggesting that the governments of Ciskei, Bophuthatswana and KwaZulu (i.e. those governments politically opposed to the

ANC/Communist Party alliance) be targeted for a mass action campaign. The proposal indicated that: "in particular, we need to decide whether to go for them all equally at once, or whether we first mount a major national campaign against Ciskei in particular".

In the event, they appear to have decided "to go for" Ciskei in particular. On 3 September 1992, the Alliance submitted a memorandum to the South African Government demanding, among other things, the removal of Ciskei's Head of Government, and stating that a protest gathering would be held in Bisho on 7 September unless these demands were met.

On 4 September 1992 State President de Klerk wrote to Mr Mandela pointing out that it was unrealistic and not in the spirit of the Peace Accord, nor in line with the ANC's commitment to negotiations, to expect the South African Government to act as demanded in the memorandum of the Alliance. In fact, the demands formed part of matters which still had to be negotiated.

In his letter to Mr Mandela, President de Klerk stated that the Government had no objection to peaceful demonstrations within the parameters of the National Peace Accord and the guidelines of the Goldstone Commission, copies of which are attached. However, there were strong indications that the

envisaged march and protest gathering at Bisho could lead to a confrontation with serious consequences. The South African Government was doing everything possible, in consultation with all those involved, to ensure that the mass action took place peacefully. President de Klerk expressed the hope that all parties would abide by agreements concerning the manner in which these actions would be conducted. Through close co-operation with the existing peace structures, the volatile situation could be defused. He stressed that a confrontation with possible loss of life should be avoided at all costs.

The same day Mr Mandela replied to Mr de Klerk affirming that the ANC would co-operate fully in ensuring that the mass action would take place peacefully.

On 6 September 1992, the State President addressed a further letter to Mr Mandela, and with reference to the pending application by the Ciskei Government for an interdict to prevent the mass action, urged the ANC to seriously reconsider the planned march if the court should rule in favour of the Ciskei Government. He again stressed the volatile security situation and the very real possibility of the loss of life. Two South African Deputy Ministers were in the area and could discuss the proposed mass action within the framework of the National Peace Accord and the

Goldstone Commission, with all those concerned. Should the court rule against the Government of Ciskei, the South African Government would likewise urge the latter to abide by the decision. The South African Government would then provide assistance to ensure a peaceful outcome. In his letter to Mr Mandela, President de Klerk reiterated that the political situation in Ciskei could only be dealt with within the framework of comprehensive constitutional negotiations. Time was of the essence and he and Mr. Mandela should do everything within their power to defuse the explosive situation.

During a telephone conversation with Mr Mandela the same evening, the State President confirmed that a number of districts on the South African side of the border had been declared unrest areas and that road-blocks could be set up. These actions would enable South African security forces to ensure that protest actions on that side of the border would conform with the National Peace Accord and the guidelines negotiated by the Goldstone Commission. Mr Mandela said that, whatever the court might rule, he was in favour of mutually acceptable agreements regarding mass action in or near Bisho in terms of the Peace Accord and the guidelines of the Goldstone Commission. He also indicated that senior representatives on his side would be available to negotiate with the Governments of South Africa and Ciskei.

In a follow-up letter Mr Mandela stated that the ANC did not recognise Ciskei and accordingly did not consider itself bound by the decisions of its courts.

Copies of letters between President de Klerk and Mr Mandela are attached.

On Sunday night, 6 September, the Office of the State President issued a statement confirming the steps which had been taken by the South African Government to ensure a peaceful resolution of the matter. Meanwhile the Supreme Court of Ciskei decided that the local magistrate should rule on the planned demonstration. The latter in turn decided to allow the march on the following conditions:

- the gathering could take place at the Bisho Stadium where people could be addressed from 12:00 to 16:30; and

- participants in the protest march were prohibited from carrying or being in possession of any dangerous weapons.

The State President made a final, urgent appeal to Mr Mandela, in the interests of peace and with a view to

avoiding any loss of life, to ensure that the ANC complied with the conditions laid down by the magistrate.

The South African Government had urged the Government of Ciskei to abide by the decision and had offered its good offices to all parties to ensure that the mass action took place in a peaceful manner. President de Klerk referred to the increasingly explosive situation, and once again urged Mr Mandela to do everything in his power to ensure that the mass action took place peacefully and within the framework of the National Peace Accord and the guidelines of the Goldstone Commission.

With reference to Mr Mandela's statement that the ANC did not recognise Ciskei, the State President pointed out that the ANC had not objected to the participation of states such as Ciskei at CODESA and was on record as saying that until another such state, Transkei, was re-incorporated into South Africa, interference in the affairs of this state would not be countenanced. The ANC also accepted the decisions of the courts of Transkei. The question of the future of the TBVC states will be further dealt with below.

In the interim, a South African delegation of Deputy Ministers was working relentlessly to ensure that everything possible would be done to prevent a potentially bloody

confrontation. The assistance of the National Peace Secretariat had also been requested. South African police and defence force units were brought into the region on the South African side to act as a deterrent to violence and to be on standby if large scale violence were to erupt. The ANC was opposed to their presence in the area. In the event, South African security forces were in no way involved in the shootings, although they did assist the wounded in gaining access to urgent medical treatment.

Also before and during the past weekend, South African representatives abroad were instructed to inform governments of accreditation of the serious situation developing at Bisho. They were asked to urge governments to exert pressure on the ANC and the Ciskei Government to act with the utmost restraint and to avoid aggressive, provocative and inflammatory statements.

In spite of all the attempts made by the South African Government and other interested parties to defuse the situation, the mass action which took place on 7 September 1992 resulted in the violence and bloodshed which we had feared.

Clarity will have to be achieved on the causes of these events and on who should bear the blame for them. It is not

in South Africa's interest nor in the interests of peace that protracted propaganda campaigns should now be conducted. The Government is in contact with the Goldstone Commission on this matter, since the Government is of the opinion that the Commission has a role to play in this regard.

According to information available to the South African Government, a portion of the crowd of marchers which entered the stadium at Bisho, broke ranks and poured through a gap in the wire fence on the perimeter of the stadium. They then rushed forward towards the Ciskei Security Forces in the vicinity. There are differing versions as to the sequence of events. In the ensuing chaos, the Ciskei Security Forces fired at the advancing crowd. According to press reports, there were breaches of the Peace Accord on the part of the Ciskei Government. That is to be condemned.

What is beyond dispute, however, is that the three leaders of the Communist Party who also took the lead in organising the Bisho march, made it clear that they would not abide by the conditions laid down by the magistrate. If nothing else, they lived up to their resolve to defy the conditions of the court.

The organizers of the march deliberately ignored both the letter and spirit of the National Peace Accord, the guidelines of the Goldstone Commission as well as the conditions laid down by the magistrate. In addition, they consciously paid no attention to repeated warnings from many quarters, including foreign governments, that their actions could well lead to violence and bloodshed. The ensuing loss of life would not have occurred had the organizers of the march heeded this advice. Indeed, a peaceful and successful protest gathering would have been the result if they had remained within the guidelines set by the Goldstone Commission, and the conditions laid down by the magistrate.

It is the view of the South African Government that these actions of the ANC/Communist Party alliance, as well as their withdrawal from the negotiating process at CODESA, constitute serious violations of Security Council resolutions 765 and 772, and should accordingly be condemned without reservation.

It is unacceptable for one alliance of parties, in this case the ANC and Communist Party, to unilaterally withdraw from the CODESA process, present the other parties with a list of demands which have to be met before negotiations can continue, and then embark on a provocative and aggressive programme of mass actions aimed at eliminating the leaders

of those parties who refuse to be cowed and intimidated by them. Their mass action campaign has, therefore, nothing to do with peaceful demonstration, or freedom of speech and association. On the contrary, it is inherently destabilising and undemocratic. It seeks to achieve through mass intimidation and violence, what it has thus far failed to achieve through the negotiating forum of CODESA. It displays a disregard for the lives and property of others, and shows no inclination to respect the normal democratic rights of those who do not share their views.

The targeting of Ciskei is not coincidental. It does, indeed, have an unelected, military government, but that is not the reason for its being singled out for a mass action campaign. The reason is that the Head of the Ciskei Government is an opponent of the ANC/Communist Party, and accordingly, in their terms, has to be removed. Other, unelected military governments, such as Transkei and Venda, who are their allies, are not subject to mass action campaigns, nor are there calls for their removal. The claim that the mass action campaign is based on a desire for free political expression is therefore a transparent attempt to manipulate the truth.

If one is opposed to the unrepresentative nature of military governments, and the South African Government is indeed

opposed to such governments, it follows that the military governments in all three of the respective countries i.e. Transkei, Ciskei and Venda, should be replaced by civilian administrations. The ANC/Communist Party alliance, however, supports the regimes in Transkei and Venda and is completely satisfied with the fact that they are unrepresentative, and indeed feels they should continue to enjoy independence until their re-incorporation into South Africa has been negotiated.

It will be recalled that Working Group 4 of CODESA had the specific task of reporting on the future of the TBVC states. All of the CODESA parties, including the ANC and Communist Party, were represented on this Working Group, and shared in the considerable degree of consensus which was reached in its deliberations. The subsequent, self-righteous concern for human rights in Ciskei is therefore all the more questionable and invites the conclusion that the alliance has not negotiated in good faith. The Government and the other parties of CODESA are accordingly confronted with the unenviable responsibility of considering whether any useful purpose will be served by continuing to negotiate with parties who have demonstrated no desire or intention to keep their commitments.

Tragic as the loss of life at Bisho is, it is not more tragic than the loss of life of supporters of the Inkatha Freedom Party. David Beresford writing in The Guardian of 8 September 1992 succinctly dealt with the other side of the coin as follows:

> "What also has to be assessed is the psychological impact which the massacre could have on other homeland leaders. At the weekend there was a massacre which went largely unnoticed by the South African press as well as the international media - as ever (some would say) when the victims are the members of Chief Mangosuthu Buthelezi's Inkatha movement."

Patrick Laurence, writing in The Star (Johannesburg) of 24 June 1992, compared the Boipatong and Crossroads massacres (Crossroads is the name of a squatter camp near Johannesburg; not be confused with Crossroads near Cape Town). He wrote:

> "Just over two months separates them chronologically: the Boipatong atrocity occurred on the night of June 17; the Crossroads outrage took place on the night of April 3.

At least 39 people, including a grandmother and a nine-month old child, were stabbed, hacked and shot to death by unidentified attackers in a squatter settlement on the edge of Boipatong; at least 23 people, including women and children, were brutally murdered when the Crossroads squatter camp was a attacked by unknown men.

. . . . .

But there is one fundamental difference. Boipatong is a township in which the ANC is the dominant political organisation; the IFP is paramount in Crossroads.

. . . . .

The difference in public response to these tragedies is astounding. Boipatong, labelled by the ANC as a national tragedy, has become a national crisis. Crossroads, reported almost perfunctorily in the press, quickly disappeared from public consciousness.

. . . . .

One reason for the different responses may be the superiority of the ANC propaganda machine to that of

the IFP. When the ANC's publicists move into action they are able to command the attention of the media more effectively than their IFP counterparts."

. . . . .

On 23 August 1992 six men arrived at the home of an Inkatha leader near Richmond in Natal. They were dressed in army-type uniforms and falsely identified themselves as members of the police firearms unit. They demanded to see and check his firearms, then lined up the family and shot the parents together with their three sons and two daughters.

On 4 September 1992, 10 young Inkatha supporters were killed by gunfire and 16 wounded as they waited to catch a bus to an IFP Youth Congress in Ulundi in Natal.

The numbers of known IFP members and supporters killed in attacks are as follows:

September 1991	:	12	(as of 14 September 1991)
October 1991	:	24	
November 1991	:	25	
December 1991	:	24	
January 1992	:	33	
February 1992	:	52	
March 1992	:	64	
April 1992	:	79	
May 1992	:	23	
June 1992	:	40	
Total		376	

To this figure must be added the numbers killed since June 1992.

The picture which incontrovertibly emerges is that different parties are involved in violence but the ANC/Communist Party alliance is the one common denominator: it is the only party always involved in violence wherever it occurs.

The Government remains committed to a new, negotiated and fully-democratic constitution. Related to that is that elections have to be held as soon as possible. However, we have now reached a point at which violence is making the realisation of these ideals increasingly difficult to attain. For that reason, all of us now have to join forces and unite all our energies towards ending political violence and isolating the political leaders and revolutionaries who continue to cling to it.

It is simply not feasible to participate meaningfully in the constitutional negotiating process while the ANC/Communist Party alliance or any other grouping is fomenting a climate of instability, revolution and violence.

Neither is it feasible to negotiate on constitutional matters without first addressing the question of violence decisively. Lengthy discussions have already been held with

the ANC about their return to the negotiating table. Although promising progress was made, they again decided to stand aside and conduct mass action programmes in an attempt to eliminate political opponents. Those talks have, therefore, been fruitless.

A meeting between the Government and the ANC has to take place urgently at leadership level on the following issues:

* The problem of violence;
* the role which conflict-creating mass action plays in the transition to democracy;
* the ANC's violation of the Peace Accord; and
* other obstacles to the resumption of negotiations.

The State President is prepared to lead the Government delegation and has urged Mr Mandela to do the same in respect of the ANC delegation. Both the State President and Mr Mandela should be involved directly in this discussion.

It is simply not possible to negotiate constitutional issues before the question of violence has been dealt with satisfactorily. With a view to this, the Government has taken the following decisions:

* The National Peace Committee is requested to call a meeting as a matter of the greatest urgency, within days, of all the parties that signed the Peace Accord a year ago, so that the responsibilities of the parties for the implementation of the Accord may be looked at incisively and anew, as well as at additional measures that will help ensure the termination of violence.

* The Government will hold talks with all governmental institutions that have security forces under their control, so that uniform, effective and responsible action within the framework of agreed codes may be ensured in regard to the handling and management of public marches. The Government will invite the self-governing territories to an urgent discussion on this matter and will negotiate simultaneously and directly with the TBVC countries on this issue.

It is with appreciation that the South African Government has learnt of the telephone call which Mr Hisham Omayad, Director of the Department of Political Affairs, made to Mr Nelson Mandela prior to the incident, in which he called on Mr Mandela to ensure that maximum restraint would be exercised.

In this spirit, the South African Government wishes to urge the Secretary-General, and the members of the Security Council to demand that the ANC/Communist Party alliance abandons any further provocative actions which put at risk the lives of innocent South Africans.

Secondly, the South African Government would appreciate it if the Secretary-General could consider sending his representative to South Africa, as soon as possible, in order to assist in the strengthening of the National Peace Secretariat and its regional structures.

Thirdly, it is suggested that the Secretary-General's representative attend the proposed meeting of the signatories of the National Peace Accord as an observer, and enter into discussions with the main political role players with a view to assisting in bringing violence to an end and in removing the remaining obstacles to the resumption of negotiations.

PRETORIA

9 SEPTEMBER 1992

ANNEXURE I:

NATIONAL PEACE ACCORD

ANNEXURE II:

GUIDELINES OF THE GOLDSTONE COMMISSION ON THE CONDUCT OF PUBLIC DEMONSTRATIONS

ANNEXURE III:

VERBATIM TRANSCRIPTS OF CORRESPONDENCE EXCHANGED BETWEEN STATE PRESIDENT F.W. DE KLERK AND MR NELSON MANDELA IN AN EFFORT TO AVERT A CONFRONTATION IN THE CISKEI

A. "Memorandum submitted by the Tripartite Alliance and South African National Civics Organization to the South African Government concerning the resolution of the violence in Ciskei and the creation of a climate for free political activity", dated 3 September 1992.

B. Letter by State President F.W. de Klerk addressed to Mr Nelson Mandela, dated 4 September 1992

C. Letter by Mr Nelson Mandela addressed to State President F.W. de Klerk, dated 4 September 1992.

D. Letter by State President F.W. de Klerk addressed to Mr Mandela, dated 6 September 1992.

E. Letter from Mr Mandela addressed to State President F.W. de Klerk, dated 6 September 1992.

F. Letter by State President F.W. de Klerk addressed to Mr Mandela, dated 7 September 1992.

NATIONAL PEACE ACCORD

PREAMBLE

We, participants in the political process in South Africa, representing the political parties and organisations indicated beneath our signatures, condemn the scourge of political violence which has afflicted our country and all such practices as have contributed to such violence in the past, and commit ourselves and the parties and organisations we represent to the Preamble, the Principle, the Codes and the agreements contained in this National Peace Accord.

The current prevalence of political violence in the country has already caused untold hardship, disruption and loss of life and property in our country. It now jeopardises the very process of peaceful political transformation and threatens to leave a legacy of unsurmountable division and deep bitterness in our country. Many, probably millions, of citizens live in continuous fear as a result of the climate of violence. This dehumanising factor must be eliminated from our society.

In order to achieve some measure of stability and to consolidate the peace process, a priority shall be the introduction of reconstruction actions aimed at addressing the worst effects of political violence at a local level. This would achieve a measure of stability based on common effort thereby facilitating a base for broader socio-economic development.

Reconstruction and development actions of the communities as referred to above, shall be conducted within the wider context of socio-economic development.

In order to effectively eradicate intimidation and violence, mechanisms need to be created which shall on the one hand deal with the investigation of incidents and the causes of violence and intimidation and on the other hand actively combat the occurrence of violence and intimidation.

The national police force has a central role to play in terminating the violence and in preventing the future perpetration of such violence. However, the perception about the past role of the police has engendered suspicion and distrust between the police and many of the affected communities. In recognition of the need to promote more effective policing, a commitment to sound policing practices and a co-operative relationship between the police and the communities are necessary.

This Accord is intended to promote peace and prosperity in violence-stricken communities. The right of all people to live in peace and harmony will be promoted by the

implementation of this Accord.

The Accord is of such a nature that every peace-loving person can support it. The Accord reflects the values of all key players in the arena of negotiation and reconciliation.

The implementation and monitoring of the Peace Accord represents a crucial phase in the process to restore peace and prosperity to all the people of South Africa.

The signatories have agreed upon:

- a Code of Conduct for political parties and organisations to be followed by all the political parties and organisations that are signatories to this Accord;

- a Code of Conduct to be adhered to by every police official to the best of his or her ability, as well as a detailed agreement on the security forces;

- the guidelines for the reconstruction and development of the communities;

- the establishment of mechanisms to implement the provisions of this Accord.

WE THE SIGNATORIES ACCORDINGLY SOLEMNLY BIND OURSELVES TO THIS ACCORD AND SHALL ENSURE AS FAR AS HUMANLY POSSIBLE THAT ALL OUR MEMBERS AND SUPPORTERS WILL COMPLY WITH THE PROVISIONS OF THIS ACCORD AND WILL RESPECT ITS UNDERLYING RIGHTS AND VALUES AND WE, THE GOVERNMENT SIGNATORIES, UNDERTAKE TO PURSUE THE OBJECTIVES OF THIS ACCORD AND SEEK TO GIVE EFFECT TO ITS PROVISIONS BY WAY OF THE LEGISLATIVE, EXECUTIVE AND BUDGETING PROCEDURES TO WHICH WE HAVE ACCESS.

CHAPTER 1

PRINCIPLES

1.1. The establishment of a multiparty democracy in South Africa is our common goal. Democracy is impossible in a climate of violence, intimidation and fear. In order to ensure democratic political activity all political participants must recognise and uphold certain fundamental rights described below.

1.2. These fundamental rights include the right of every individual to:

- freedom of conscience and belief;
- freedom of speech and expression;
- freedom of association with others;

- peaceful assembly;
- freedom of movement within the country;
- participate freely in peaceful political activity.

1.3. The fundamental rights derive from established democratic principles namely:

- that democratic sovereignty derives from the people, whose right it is to elect their government and hold it accountable at the polls for its conduct of their affairs;

- that the citizens must therefore be informed and aware that political parties and the media must be free to impart information and opinion;

- that there should be an active civil society with different interest groups freely participating therein; and

- that political parties and organisations, as well as political leaders and other citizens have an obligation to refrain from incitement to violence and hatred.

1.4. The process of reconstruction and socio-economic development aimed at addressing the causes of violent conflict, must be conducted in a non-partisan manner, i.e. without being controlled by any political organisation or being to the advantage of any political group at the expense of another.

1.5. Reconstruction and development projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a co-ordinated way as close to the grassroots as possible. In addition, reconstruction and development must facilitate the development of the economic and human resources of the communities concerned.

1.6. The initiatives referred to in 1.4 and 1.5 above, should in no way abrogate the right and duty of government to continue their normal development activity, except that in doing so they should be sensitive to the spirit and contents of any agreement that may be reached.

1.7. The parties to this process commit themselves to facilitating the rapid removal of political,

legislative and administrative obstacles to development and economic growth.

1.8. The implementation of a system to combat violence and intimidation will only succeed if the parties involved have a sincere commitment to reach this objective. Only then will all the people of South Africa be able to fulfil their potential and create a better future.

1.9. It is clear that violence and intimidation declines when it is investigated and when the background and reasons for it is exposed and given media attention. There is, therefore, need for an effective instrument to do just that. It is agreed that the Commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation.

1.10 As insufficient instruments exist to actively prevent violence and intimidation at regional and local levels, it is proposed that committees be appointed at regional and local levels to assist in this regard. Peace bodies are therefore to be established at both regional and local levels to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC) respectively. These bodies will be guided and co-ordinated at a national level by a National Peace Secretariat. At the local level the bodies will be assisted by Justices of the Peace.

1.11 The Preparatory Committee has played a crucial role in the process of bringing the major actors together to negotiate a Peace Accord. It should not stop functioning once agreement is reached. There is so much to be done in the implementation of the Accord and the establishment of the institutions of peace. It is accordingly proposed that the Preparatory Committee continue as it is presently constituted, except that there should be a neutral chairperson and vice-chairperson drawn from the business community and the churches, and its name should now become the National Peace Committee.

Each signatory party to the National Peace Accord shall appoint in writing an authorised representative and alternate to the National Peace Committee.

1.12 There should be simple and expeditious procedures for the resolution of disputes regarding transgressions

of the Code of Political Parties by political parties and organisations who were signatories of the Peace Accord. These disputes should wherever possible, be settled at grassroots level, through participation of the parties themselves; and by using the tried methods of mediation, arbitration and adjudication.

1.13 An effective and credible criminal judicial system requires the swift and just dispensing of justice to criminals. This in turn will promote the restoration of peace and prosperity to communities, freeing them of the ravages of violence and intimidation. Special attention should be given to unrest related cases by setting up Special Criminal Courts specifically for this purpose.

CHAPTER 2

CODE OF CONDUCT FOR POLITICAL PARTIES AND ORGANISATIONS

The signatories to this Accord agree to the following Code of Conduct:

2.1. We recognise the essential role played by political parties and organisations as mediators in a democratic political process, permitting the expression, aggregation and reconciliation of different views and interests, and facilitating the translation of the outcome of this process into law and public policy, and respect the activities of political parties and organisations in organising their respective structures, canvassing for support, arranging and conducting public meetings and encouraging voting.

2.2. All political parties and organisations shall actively contribute to the creation of a climate of democratic tolerance by:

- publicly and repeatedly condemning political violence and encouraging among their followers an understanding of the importance of democratic pluralism and a culture of political tolerance; and

- acting positively, also vis-a-vis all public authorities including traditional authorities, to support the right of all political parties and organisations to have reasonable freedom of access to their members, supporters and other persons in rural and urban areas, whether they be housed on public or private property.

2.3. No political party or organisation or any official or representative of any such party, shall:

- kill, injure, apply violence to, intimidate or threaten any other person in connection with that person's political beliefs, words, writings or actions;

- remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;

- interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;

- seek to compel, by force or threat of force, any person to join any party or organisation, attend any meeting, make any contribution, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation; or

- obstruct or interfere with any official or representative of any other political party or organisation's message to contact or address any group of people.

2.4. All political parties and organisations shall respect and give effect to the obligation to refrain from incitement to violence or hatred. In pursuit hereof:

- all political parties and organisations shall actively discourage and seek to prevent their members and supporters from carrying any weapon of any description to any political meeting;

- no language calculated or likely to incite violence or hatred, nor any wilfully false allegation, shall be used at any political meeting, nor shall pamphlets, posters or other written material containing such language be prepared or circulated, either in the name of any party, or anonymously.

2.5. All political parties and organisations shall

- when arranging any political event:

- ensure that the appropriate authorities are properly informed of the date, place, duration and, where applicable, routing of each public meeting, rally, march or other event organised by the party or organisation; and

- take into account local sentiment and foreseeable consequences, as well as any other meetings already arranged on the same date in close proximity to the planned event, provided that this shall not detract from the right of any political party or organisation freely to propagate its political views; and

- immediately and at all times, establish and keep current effective lines of communication between one another at national, regional and local levels, by ensuring a reciprocal exchange of the correct names, addresses and contact numbers of key leaders at each level, and by appointing liaison personnel in each location to deal with any problems which may arise.

CHAPTER 3

SECURITY FORCES: GENERAL PROVISIONS

3.1 GENERAL PRINCIPLES

3.1.1 The police shall endeavour to protect the people of South Africa from all criminal acts and shall do so in a rigorously non-partisan fashion, regardless of the political belief and affiliation, race, religion sex or ethnic origin of the perpetrators or victims of such acts.

3.1.2 The police shall endeavour to prevent crimes and shall attempt to arrest and investigate all those reasonably suspected of committing crimes and shall take the necessary steps to facilitate the judicial process.

3.1.3 The police shall be guided by a belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public. Through such accountability and friendly, effective and prompt service, the police shall endeavour to obtain the co-operation of the

public whose partnership in the task of crime control and prevention is essential.

3.1.4 The police, as law enforcement officers, shall expect a higher standard of conduct from its members in the execution of their duties than they expect from others and in persuance hereof, supports prompt and efficient investigation and prosecution of its own members alleged to have acted unlawfully and shall commit itself to continue the proper training and retraining of its members in line with the objectives of professional policing and the principles set out in the Code of Conduct and this agreement. The police in particular shall emphasise that there is no place in the police force for policing practices based on personal or racial prejudice, corruption, exessive force or any unlawful actions.

3.1.5 The police shall exercise restraint in the pursuance of their duties and shall use the minimum force that is appropriate in the circumstances.

3.2 THE POLICE SHALL OBSERVE THE FOLLOWING MORE DETAILED SET OF REQUIREMENTS:

3.2.1 The police shall endeavour to protect the people of South Africa from all criminal acts and acts of political violence, and shall do so in rigorously non-partisan fashion, regardless of the political belief and affiliation, religion, sex race, or ethnic origin of the perpetrators or victims of such acts.

3.2.1.1 The SAP must always respond promptly to calls for assistance and intervention.

3.2.1.2 Where prior notification is given of possible violence, the police must take all reasonable steps to prevent such an outbreak of violence.

3.2.1.3 The police shall endeavour to disarm those persons illegally bearing dangerous weapons in any gathering or procession.

3.2.2 The police shall endeavour to prevent crimes and shall attempt to arrest and investigate all those reasonably suspected of committing crimes and shall take the necessary steps to facilitate the judicial process.

3.2.2.1 Where violent clashes occur the police shall attempt to arrest all those reasonably suspected of participating in any unlawful act. If the police

are unable for any reason to arrest all suspects, efforts must be made to photograph video or otherwise identify the suspects.

3.2.2.2 After a suspect has been arrested, the police shall conduct a full, proper and expeditious investigation into the complaint, shall endeavour to submit the necessary evidence to the Attorney-General as soon as possible and shall give all the necessary co-operation in this regard.

3.2.2.3 In addition to rights arrested persons have in terms of the law, suspects arrested solely for crimes related to political violence should be informed of their rights and given the opportunity to telephone their family or a laywer. Judges Rules shall consistently be applied by all police officials.

3.2.2.4 All criminal complaints shall be accepted at a charge office. After the complaint is accepted, the complainant shall be given a form containing the complaint number and the nature of the charge. The name and the telephone number of the investigating officer shall be made available or dispatched within seven days to the complainant.

3.2.2.5 The complainant shall be entitled to request any relevant information from time to time from the investigating officer on the progress of the investigation.

3.2.2.6 In order to investigate all crimes reflected to political violence, as defined by the Prevention of Public Violence and Intimidation Act 1991, or as interpreted by the Standing Commission, the police shall establish a special police investigation unit on the following basis:

(i) A national SAP investigation unit shall be established under the command of a police general.

(ii) This police general shall monitor, co-ordinate and supervise investigations into crimes of political violence.

(iii) A senior police officer shall be appointed in the region of each special criminal court and shall carry out his duties and functions under the command of the said police general.

(iv) It will be the responsibility of each such officer as assisted by such officials as are

seconded to him or appointed on an ad hoc basis to assist him, to conduct or supervise investigations into crimes of political violence, in the region of that special criminal court.

(v) When necessary each such officer shall liaise with the prosecutor of the special court in regard to the conduct of investigations into crimes of political violence.

(vi) Each such officer may directly investigate such crimes and/or supervise investigations performed by ordinary units of the police.

(vii) The police general who commands the special investigation unit as well as each such officer should have sufficient personnel and resources at his disposal to enable him to effectively carry out his powers and functions.

(viii) Each such officer shall be responsible for compiling a monthly report on the progress of investigations and for referring it to the police general who commands the special investigation unit. The Standing Commission and/or the National Peace Committee may inquire on the progress of the investigations and the police general shall submit a report.

(ix) In all cases where an affidavit containing evidence is submitted to the NPC or Regional Dispute Resolution Committee to the effect that the local police in any station and/or district have acted with bias towards a political party or organisation in that district, the investigation into any incident of alleged political violence shall, on basis of the affidavit, be conducted by the special investigation unit with jurisdiction in that region or under the supervision of an officer from such unit.

(x) The National Peace Committee shall be informed of the appointment of the police general and the senior officers.

(xi) The Commissioner of the SAP shall have regard to recommendations of the National Peace Committee.

3.2.3 The police shall be guided by a belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public.

Accountability in this paragraph and also referred to in clause 3.1.3 above, as well as in the Police Code of conduct, entails the following:

3.2.3.1 In order to facilitate better communication with the community, the police shall, in each locality where a Local Dispute Resolution Committee exists, that is a committee comprising the major political parties involved in the conflict and other co-opted community leaders:

(i) consult regularly with:

(a) the Local Dispute Resolution Committee, or in its absence, community leaders, including representatives of signatories to this accord, and

(b) community leaders, on the efficient functioning of the SAP in that community and shall regularly communicate with such committee, representatives or leaders on the issues raised by them with the SAP.

(ii) establish a liaison officer of rank not lower than a warrant officer, in each police district, to which requests for urgent assistance may be directed.

3.2.3.2 In addition to the normal channels available within the Department of Law and Order, complaints against the SAP may also be referred to the Police Ombudsman or, depending on the nature of such complaints, to the Standing Commission on Violence and Intimidation.

3.2.3.3 If the police feel dat they are unfairly victimised or harassed by any person or body or organisation they will have the right to raise a complaint to the National Peace Committee or any appropriate body.

3.2.4 The police shall expect a higher standard of conduct from themselves than they expect from others

3.2.4.1 Complaints of alleged police misconduct which is of such a serious nature that it may detrimentally

affect police/community relations should be referred to the Police Ombudsman or the Commissioner of Police, for investigation by a unit of the South African Police specifically established for this purpose, under the supervision of a designated general of the SAP. Where the complaint is direct to the Police Ombudsman it should be referred by him to the Commissioner of Police for investigation by such a unit. The units will be available as far as possible in each police region.

3.2.4.2 The unit shall submit to the Police Ombudsman, a report on the complaints submitted to it, as well as the progress and outcome of investigations into complaints. The Police Ombudsman will have the authority to ensure that the investigation is a full and proper investigation and accordingly will be entitled to refer the report back to the unit. The Police Ombudsman shall be appointed in the following manner:

(i) The Association of Law Societies and General Council of the Bar shall recommend to the Minister of Law and Order three candidates per region for the appointment of a regional police Police Ombudsman. If the Minister is not prepared to make and appointment from the names so received, he may refer the recommendation back to the Association of Law Societies and the General Council of the Bar for additional three names from which he has to make an appointment.

(ii) Such Police Ombudsman may be a former prosecutor, a former member of the attorney general's staff, a lawyer in private practise, a former magistrate, or a former policeman.

3.2.4.3 The Police Ombudsman may recommend to the Commissioner of Police the suspension of transfer of the police official under investigation until the completion of the investigation.

3.2.4.4 The Police Ombudsman shall, on the completion of the investigation, make a recommendation to the Commissioner of the SAP as to the disciplinary action that should be taken against the police involved in the misconduct. The complainant shall be notified of the outcome of this complaint.

3.2.4.5 A policemen in uniform should carry a legible external form of identification.

3.2.4.6 All official police vehicles shall have an identification number painted on the side, and all SADF vehicles acting in support of the SAP shall display an identification number on the side and no such number may be removed for as long as such SADF vehicles are used in support of the SAP, provided that this shall not apply to police vehicles which are required for official undercover work, not in breach of clause 3.5 related to clandestine or covert operations. It shall be an offence for a police or SADF vehicle to be driven on a public road without numberplates or without the numberplates allocated to such vehicle by the relevant registration authority.

3.2.5 The police shall exercise restraint in the pursuance of their duties and shall use the minimum force that is appropriate in the circumstances.

3.2.5.1 Clear guidelines should be issued by the SAP for dealing with unlawful gatherings and the following aspects should clearly be addressed in such guidelines.

(i) When a confrontation between a police unit and a gathering is reasonably foreseeable, a senior police official should where possible be in command of that unit.

(ii) The police unit performing crowd control duties should be equipped with public address systems and someone who can address the crowd in a language the crowd will understand.

(iii) Before ordering a gathering to disperse, an attempt must be made to ascertain the purpose of the gathering and to negotiate the immediate dispersal of the group.

(iv) Where residents of a community or a hostel are clearly the subject of an attack, the police shall endeavour to disarm and disperse the aggressors.

(v) A reasonable time must be given to the gathering to comply with the requests or instructions of the commanding officer.

(vi) The commanding officer should only authorise the use of injurious or forceful methods or crowd dispersal if he believes that the crowd constitutes a danger to the public safety or to the safety of any individual or

to any valuable movable or immovable property and if he has reason to believe that less injurious methods will not succeed in dispersing the gathering. The least possible degree of force should be used in attaining the aim of policing. Unless circumstances prevent it, persuasion, advice and warnings should be used to secure co-operation, compliance with the law and the restoration of order.

(vii) The SAP should focus on making less injurious equipment also available to police stations in order to minimize the risk of forceful actions.

3.3 POLICE BOARD

3.3.1 A Police Board shall be established whose composition shall comprise of both members of the public and representatives of the police in equal numbers. The chairman is to be appointed by the Minister of Law and der.

3.3.2 The members of the public shall be appointed by the Minister of Law and Order to the Police Board from names put forward by unanimous decision by the National Peace Committee. The Minister of Law and Order shall have the discretion to appoint further members from parties who are not represented on the National Peace Committee.

3.3.3 The function of the Police Board shall be to consider and to make recommendations in regard to the policy relating to the training and efficient functioning of the SAP, with a view to reconcile the interests of the community with that of the SAP.

3.3.4 The Police Board shall be empowered to do research and/or call for representations from the public regarding any investigation conducted by it.

3.3.5 The Police Board shall not have a role in regard to the day to day functioning of the police.

3.3.6 The recommendations of the Police Board in regard to the above matters shall be made public, in so far as it is essential in reconciling the interests of the community with that of the SAP.

3.4 COMPOSITION OF THE POLICE FORCE

3.4.1 The relationship between, and the status of, the South African Police and the Police Forces in

Self-governing Territories in the transitional phase, can only be decided by the interested parties through negotiations. Discussions in this regard to commence before 14 September 1991.

3.4.2 Where the Police Forces of any self-governing territory is alleged to be a party to the conflict, the Standing Commission shall investigte this and make approproate recommendations.

3.5 CLANDESTINE OR COVERT OEPRATIONS

3.5.1 No public funds shall be used to promote the interests of any political party or political organisation and no political party or political organisation shall accept any public funds to promote its interests which shall have the effect of interfering negatively in the political process.

3.5.2 The government shall not allow any operation by the SAP or SADF with the intention to undermine, promote or influence any political party or political organisation at the expense of another by means of any acts, or by means of disinformation.

3.5.3 If any of the signatories to this accord has reason to believe that any operation is being conducted in breach of this clause, it may lodge a complaint with the Police Ombudsman or the Standing Commission as the case may be.

3.5.4 In addition to any civil/criminal liability he/she may incur, any individual member of the SAP who is found to have breached this clause shall be dealt with in accordance with the Police Act, Regulations and Standing Orders.

3.5.5 In addition to any civil/crimninal liability he/she may incur, any individual member of the SADF who is found to have breached this clause shall be dealt with in accordance with the Defence Act and the Military Disciplinary Code and the Code of Conduct for the members of the SADF.

3.5.6 In order to monitor ongoing compliance with this provision the Standing Commission, or a person nominated by it, shall upon receipt of any request by a party, or a complaint or on information received by it, be entitled by warrant to enter and inspect any place and interrogate any security force member, and seize any record or piece of evidence.

3.6 DANGEROUS WEAPONS

3.6.1 The parties agree that the disastrous consequences of widespread violence and the urgent requirement of peace and stability on which to build the common future make it necessary to act decisively to eliminate violence or the threat of violence from a political sphere.

3.6.2 In pursuit of this understanding the parties agree that no dangerous weapons or fire arms may be possessed, carried or displayed by members of the general public attending any political gathering, procession or meeting.

3.6.3 To facilitate finalisation of this matter it is further agreed:

3.6.3.1 that discussions between the Government and the ANC and the Government and the IFP on the effective implementation of the principle stated in 3.6.2 will continue.

3.6.3.2 That the parties will endeavour to incorporate the outcome of 3.6.3.1 as soon as possible in the Peace Accord and that progress in the matter will be reported to the Peace Convention on 14 September 1991.

3.7 SELF PROTECTION UNITS (previously called self-defence units)

3.7.1 The Law accords all individuals the right to defend themselves and their property, and to establish voluntary associations or self protection units in any neighbourhood to prevent crime and to prevent any invasion of the lawful rights of such communities. This shall include the right to bear licensed arms and to use them in legitimate and lawful self-defence.

3.7.2 The parties also agree that no party or political organisation shall establish such units on the basis of party or political affiliation, such units being considered private armies.

3.7.3 No private armies shall be formed.

3.7.4 The parties also recognise that a liaison structure should operate between any community based self protection unit and the SAP so as to facilitate education on citizens rights, police responsiveness and other aspects in respect of which there is a legitimate and common interest.

3.7.5 The SAP remains responsible for the maintenance of

law and order and shall not be hindered in executing their task by any self protection unit.

3.8 GENERAL

3.8.1 The Code of Conduct and this document shall, where applicable, be issued as a directive by the Commissioner of the South African Police and if necessary, the Police Act and regulations will be amended accordingly.

3.8.2 In view of the changing policing demands of a changing South Africa the South African Police shall continue to take steps to retrain their members on the proper functions of the SAP as set out in the Code and in this agreement and in particular in methods of defusing conflict through discussion.

3.8.3 The Code of Conduct and this agreement shall be honoured by and shall in terms of paragraph 3.8.1 be binding on the South African Police. Its application to the police forces of the Self-governing States will be negotiated with them in the present national peace initiative. The parties to this agreement undertake to use their best endeavours to promote the acceptance of what has been agreed.

3.8.4 The Code of Conduct and this agreement shall be binding on the SAP and the SADF in as much as the SADF performs any ordinary policing function.

3.9 CODE OF CONDUCT FOR MEMBERS OF THE SADF

A Code is in the process of being negotiated.

SECURITY FORCES : POLICE CODE OF CONDUCT

MISSION OF THE SOUTH AFRICAN POLICE

"We undertake impartially and with respect for the norms of the law and society, to protect the interests of the country and everyone therein against any criminal violation, through efficient service rendered in an accountable manner."

CODE OF CONDUCT OF THE SOUTH AFRICAN POLICE

Every member of the South African Police shall commit themselves to abide the Code of Conduct in the following terms :

"As a member of the South African Police, I undertake to adhere the following Code of Conduct to the best of my

abilities :

As POLICE OFFICIAL I will observe the oath of loyalty which I made to the Republic of South Africa by performing the task that is required of me law, with untiring zeal, single-mindedness and devotion to duty, realising that I accept the following principles :

- In order to preserve the fundamental and constitutional rights of each individual by the use of preventive measures, or alternatively, in the event of disruption, to restore social order by the use of reactive policing.

- The authority and powers accorded to the Police for the maintenance of social order, and the subsidiary objectives they adopt are dependent upon and subject to public approval, and the ability to secure and retain the respect of the public.

- The attainment and retention of public approval and respect include the co-operation of the public in the voluntary observance of the laws.

- Any offence or alleged offence by any member of the SA Police, of the common law or statutory, including the Police Act and the regulations promulgated in accordance thereof, shall be thoroughly investigated and in the event of any violation thereof, appropriate measures shall be taken. Such an offence or alleged offence, depending on the nature thereof, may be referred to a Police Ombudsman or a standing commission or a commission that shall be specifically appointed for that purpose. All assistance and co-operation possible shall be rendered to a commission such as this, and the Police Ombudsman and where investigations are undertaken by the Police at the request of the commission or the Police Ombudsman, a special investigation team shall be used for this purpose.

- The extent and quality of co-operation proportionally diminishes the need for corrective measures.

- The favour and approval of the public shall be sought by:

- enforcing the law firmly, sensitively and with constant and absolute impartiality;

- giving effective and friendly service to each individual, regardless of the political and religious belief race, sex of ethnic origin ;

- reacting as quickly as possible on requests for help or

service;

- making personal sacrifices in order to save lives ; and

- encouraging policy community relationships, and by promoting participation by the community.

- The least possible degree of force be used in attaining the aim of policing, and then only when persuasion, advice and warnings have failed to secure co-operation, compliance with the law and the restoration of order.

- Judges' Rules shall consistently be applied by all police officials.

- Police officials must adhere to the executive function of policing and refrain from taking it upon themselves to perform a judicial function.

- The integrity of policing is reflected by the degree of personal moral responsibility and professional altruism evident in the behaviour and actions of every individual member of the police.

- The stability of the RSA, and the vitality and continuity of democratic ideals are dependent upon policing that:

- is consistently aware of the sensitive balance between individual freedom and collective security;

- is consistently aware of dangers inherent in illegal and informal coercive actions and methods; and

- will never give in to the temptation to sacrifice principles by resorting to reprehensible means to secure good ends.

- The professionalisation of policing depends primarily upon intensive selection, training, planning and research.

- The needs of the community shall be considered in the training programme of the Police, and the contribution made by communities in this regard, shall be taken into account.

- Every member should strive and apply him/herself to individual and institutional professionalism by self-improvement and study.

In order to maintain these principles, I undertake to :

- make my personal life an example worthy to be followed

by all;

- develop my own personality and also create the opportunity for others to do likewise;

- treat my subordinates as well as my seniors in a decent manner;

- fulfil my duty faithfully despite danger, insult or threat;

- develop self-control, remain honest in thought and deed, both on and off duty;

- be an example in obeying the law of the land and the precepts of the Force;

- prevent personal feelings, prejudice, antagonism or friendships to influence my judgement;

- receive no unlawful reward or compensation; and

- remain worthy of the trust of the public, by unselfish service, seek satisfaction in being ready to serve and dedicate myself in the service to my God and my country.

"SERVAMUS ET SERVIMUS - WE PROTECT AND WE SERVE"

CHAPTER 5

MEASURES TO FACILITATE SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT

5.1 Reconstruction and development projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a co-ordinated way as close to the grassroots as possible. In addition reconstruction and development must facilitate the development of the economic an human resources of the communities concerned.

5.2 Projects at a local level require the co-operation of all members of the community irrespective of their political affiliation. The people within local communities must see local organisations working together on the ground with common purpose. Parties with constituency support in an area must commit themselves to facilitating such an approach to development projects.

5.3 Reconstruction projects must work on the ground at

local level. This requires a combined effort by all political organisations and affected parties to raise the required level of capital and human resources for development. Public and private funds will have to be mobilised for this purpose.

5.4 Sustainable development implies that all individuals must be assisted and encouraged to accept responsibility for their socio-economic well-being. Each actor must define and accept his/her role and there must be acceptance of co-responsibility for and co-determination of socio-economic development.

5.5 This development initiative should in no way abrogate the right and duty of governments to continue their normal development activity, except that in doing so they should be sensitive to the spirit and contents of any agreements that may be reached.

5.6 The parties to this process commit themselves to facilitating the rapid removal of political, legislative and administrative obstacles to development and economic growth.

5.7 That the National Peace Committee and the Regional Dispute Resolution Committees will establish permanent sub-committees on socio-economic reconstruction and development.

5.8 That both the national and regional sub-committees defined above could establish advisory and consulting groups to facilitate their work.

5.9 The functions of these sub-committees would be to :

5.9.1 assist the peace structures in regard to socio-economic reconstruction and development ;

5.9.2 take intiatives to implement the principles outlined above and to deal with the issues set out hereunder ;

5.9.3 the combined inputs of the sub-committees participants would be to facilitate, co-ordinate and expedite reconstruction and development in terms of the principles outlined above.

5.10 That the general guideline on issues to be dealt with is to move from immediate issues related to violence and the peace process toward pre-emption of violence and then torward integrating into the overall need for socio-economic development.

5.11 The sub-committees should identify areas at community level where they should begin to facilitate the

co-ordination of the following issues :

- reconstruction of damaged property;
- reintegration of displaced persons into the community;
- expansion of infrastructure to assist in consolidating the peace process; and
- community involvement in the maintenance and improvement of existing community facilities and the evironment.

5.12 The sub-committees should facilitate crisis assistance that will link to socio-economic development in the following areas :

- dealing with the immediate effects of violence and the resultant social effects, displaced persons problem and homelessness ;
- where infrastructure is itself a spark to violence, eg water, electricity transportation, schools etc, to address such areas.

5.13 In addressing the above issues attention will have to paid to:

- the equitable allocation of state resources, including state-funded development agencies (physical and financial) for both public and community-based initiatives;
- mobilisation of additional resources - both public and private;
- the cumbersome nature of governmental structures in the provision of resources and services;
- the position of the very poor and marginalised groups;
- land, its accessiblitly and use;
- basic housing;
- provision of basic services;
- education;
- health and welfare;
- job creation and unemployment ; and

- the availability of land for housing and basic services.

5.14 The sub-committees should identify potential flash points and co-ordinate socio-economic development that will defuse tension eg squatter settlements ; squatter maintenance of basic services and rural resource constraints. The sub-committees should identify areas of socio-economic development that would prevent violence.

5.15 The sub-committee would attempt to ensure that overall socio-economic development is cognizant of the need to reinforce the peace process and defuse the potential of violence.

CHAPTER 6

COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION ("THE COMMISSION")

6.1 It is acknowledged that the South African Police is primarily responsible for the investigation of crime. The SAP is, as a result, also responsible for the investigation and bringing to book of all perpetrators of violence and intimidation.

6.2 Post mortem inquests play an important role in exposing and opening up circumstances relating to unrest and violence. Inquests with judges as presiding officers have taken place more frequently since the implementation of the Inquests Amendment Act, 1990 (Act 45 of 1990). The Inquests Amendment Act, 1991 (Act 8 of 1991), has furthermore streamlined the process and inquests can be disposed of more rapidly. Records of all inquest proceedings relating to public violence should be submitted to the Commission.

6.3 It is clear the violence and intimidation declines when it is investigated and when the background and reasons for it is exposed and given media attention. There is therefore need for an effective instrument to do just that. It is agreed that the Commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation. However, in order to improve the efficacy of the Act in preventing violence it may be necessary to amend the Act, to accommodate the provisions of this Chapter. Where amendments are necessary, the National Peace Committee shall send its

proposals to the Minister of Justice as soon as possible.

6.4 In terns of the Prevention of Public Violence and Intimidation Act, 1991, the Commission shall function as follows:

6.5 The Commission shall function on a permanent basis.

6.6 The Commission's objectives shall be to:

6.1.1 inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof and what persons are involved therein; 6.6.2inquire into any steps that should be taken in order to prevent public violence and intimidation;

6.6.3 make recommendations to the State president regarding:

6.6.3.1 the general policy which ought to be followed in respect of the prevention of public violence and intimidation;

6.6.3.2 steps to prevent public violence or intimidation;

6.6.3.3 any other steps it may deem necessary or expedient, including proposals for the passing of legislation, to prevent a repetition or continuation of any act of omission relating to public violence or intimidation;

6.6.3.4 the generation of income by the State to prevent public violence and intimidation as well as the compensating of persons who were prejudiced and suffered patrimonial loss thereby;

6.6.3.5 any other matter which may contribute to preventing public violence and intimidation.

6.7 It is agreed that the Commission shall the composed as follows:

6.7.1 A judge or returned judge of the Supreme Court or a senior advocate with at least 10 years experience in the enforcement of the law. This will ensure that the Commission has suitable, independent and objective leadership, fully versed in the law and fearlessly given to grant all parties and equal opportunity to state their views and give their facts. This person will be the chairman.

6.7.2 A senior advocate or a senior attorney or a senior professor of law. The incumbent will assist the chairman of the Commission, providing balance from a

legal point of view. Because of his status this person will not be susceptible to influence from other parties. This person will be the vice-chairman.

6.7.3 Three other duly qualified persons. The signatories to the Peace Accord shall be offered the opportunity of submitting a short list of persons to be considered to appointment. It is acknowledged that it is desirable that the Commission should be and be seen to be independent and non-partisan and should enjoy the confidence to the broad spectrum of the south African community.

6.8 The National Peace Committee should submit a short list of persons to be considered for appointment.

6.9 It is acknowledged that it is desirable that the Commission should be and be seen to be independent and non-partisan.

6.10 Members of the Commission are appointed for a period of three years.

6.11 The Commission will be assisted by a secretariat to provide administrative and logistical services.

6.12 The Commission's functions will include the following:

6.12.1 to investigate the causes of violence and intimidation

6.12.2 to recommend measure capable of containing the cycle of violence;

6.12.3 to recommend measures in order to prevent further violence;

6.12.4 to initiate research programmes for the establishment of scientific empirical data on violence; and

6.12.5 to make recommendations concerning the funding of the process of peace.

6.13 Any individual will be able to approach the Commission with a request to investigate any particular matter relevant to combating violence and intimidation. If any such individual is held in detention, the relevant authorities will facilitate the transmission of such a request to the Commission. If a request is unfounded, trivial or designed for purposes other than the prevention of violence and intimidation, the Commission may in its discretion decline to act upon the request. The Commission does not only act upon receiving a request from an individual, but may of its own accord investigate

matters.

6.14 The investigation by or at the behest of the Commission shall not affect any legal processes.

6.15 Where a matter has already been dealt with as a result of legal processes, the Commission shall not re-investigate the matter but may take cognizance of the evidence presented during such processes and the findings emanating from such proceedings.

6.16 The Commission shall be empowered to enlist the help of other institutions in its investigations. Investigations by the Ombudsman referred to in this Accord shall not be affected by the Commission.

6.17 Members of the Commission and its secretariat (insofar as they may not be employed by the State) shall be remunerated by the State. The State shall provide funds for the operation of the Commission.

6.18 The Commission shall be empowered in order to conduct an investigation and insofar as it may be relevant to:

6.18.1 require any person to give evidence on the matter being investigated;

6.18.2 require any person to put any document or other evidentiary material at the disposal of the Commission;

6.18.3 order that the identity of any person mentioned in 6.16.1 and 6.16.2 shall not be revealed if that person's life or property or his family may be endangered because of his assistance to the Commission;

6.18.4 order that the relevant authority provide appropriate protection to a person mentioned in 6.16.1 and 6.16.2 if his life is endangered because of his assistance to the Commission; and

6.18.5 order that the contents of any document or other evidentiary material shall not be revealed or published if circumstances so demand.

6.19 The proceedings of the Commission shall take place in public, unless the Commission decides that circumstances demand otherwise. This is designed to ensure that the safety of witnesses can be guaranteed.

6.20 The Commission shall determine if legal

representation is desirable in any particular given case.

6.21 After completion of the investigation the Commission shall compile a report on its findings and recommendations. The report will be handed to the State president who may make known the contents of the report to the public.

6.22 In order to ensure that steps are taken against perpetrators of violence and intimidation, the Commission may refer to any evidence constituting an offence to the relevant Attorney-General and to the Special Criminal Courts.

6.23 Anyone hampering or influencing the Commission or any of its members in the execution of their duties shall be guilty of an offence. This will ensure that the status of the Commission is established and that it does not fall prey to pressures.

6.24 The above-mentioned is reflected in the Prevention of Public Violence and Intimidation Act, 1991.

6.25 Fully aware of the fact that the composition of the proposed body will determine its relevancy and legitimacy, the Minister of Justice indicated during the Second Reading Debate of the Act that no appointments would be made without consultation and negotiation with the relevant role players. Consensus will be the key word. The group agrees that for this system for be effective, it needs to be credible.

6.26 In terms of section 4 of the Act, committees may be established to assist the Commission in the exercise of its functions. The relevant players will therefore also be able to be represented on these committees by their own members and experts. These Committees will enjoy the same far-reaching powers as the commission itself. Regional committees of the Commission should be established in each of the regions identified by the Commission to monitor and inquire into public violence and intimidation. Local and regional security force commanders, and the LDRC and RDRC members, should advise the Commission or a Sub-committee of the Commission of any advance warning of anticipated or current public violence.

6.27 We agree that for the Commission to be effective it needs to be a credible instrument. It will furthermore only obtain credibility if it is to be constituted after all the major parties have been consulted. If this condition is met, the Commission should be given unconditional support.

6.28 In order to function properly within a legal framework, to exercise the considerable powers given and to obtain State funding, there is no alternative to making use of a statutory enactment, such as the Act. It is suggested that the Act be employed to fulfil this role, because it can be utilised immediately and does not require further statutory attention.

CHAPTER 7

NATIONAL PEACE SECRETARIAT, REGIONAL AND LOCAL DISPUTE RESOLUTION COMMITTEES

7.1 It is clear from the aforegoing that sufficient instruments exist to investigate violence and intimidation and to bring the perpetrators thereof to book. Insufficient instruments exists however to actively combat violence and intimidation at grassroots level. It is therefore proposed that committees be appointed at regional and local levels to assist in this regard. These committees will require national coordination.

7.2 In order to provide management skills, budgetary commitment and statutory empowerment and sanction, Sate involvement is essential.

7.3 A National Peace Secretariat

7.3.1 A National Peace Secretariat (NPS) shall be established, comprising at least four full-time persons nominated by signatories of this accord and one representative of the Department of Justice. Further full-time members, up to a maximum of four may also be appointed.

7.3.2 The function of the NPS will be to establish and co-ordinate Regional Dispute Resolution Committees and thereby Local Dispute Resolution Committees.

7.3.3 The NPS will take decisions on a consensus basis.

7.3.4 The required financial and administrative resources of the NPS, and the other bodies established by it, will be provided by the Departement of Justice.

7.3.5 The NPS may submit their reports to the National Peace Committee.

7.4 Regional and Local Dispute Committees

7.4.1 Peace bodies are to be established at both regional and local level, to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC) respectively.

7.4.2 Just as the Commission will gain its legitimacy from its composition, reflecting the interested and relevant organisations, the RDRC's and LDRC's will gain their legitimacy by representing the people and communities they are designed to serve.

7.4.3 In view of the lack of effective peace promoting mechanisms at grass roots level it is urgent that these proposals be implemented as soon as possible. Because of the said urgency it is suggested that the proposals be implemented on a voluntary basis at the outset. In order to give permanency and effectivity to the proposed structures it will have to be given statutory recognition as soon as possible. This should also ensure that the structures be funded by the State. The proposed legislation will be published for general information and comment.

7.4.4 The areas of jurisdiction of the RDRC's shall be decided by the National Peace Secretariat until such time as statutory provision is made.

7.4.5 RDRC's will be constituted as follows:

7.4.5.1 representatives from relevant political organisations;

7.4.5.2 representatives from relevant churches;

7.4.5.3 representatives of trade unions, industry and business in the region; and

7.4.5.4 representatives of local management organisations.

7.4.5.5 Representatives form the South African Police (SAP) and/or the South African Defence Force (SADF).

7.4.6 Duties of RDRC's shall include the following:

7.4.6.1 any matter referred to it by the LDRC, the National Peace Secretariat or the Commission;

7.4.6.2 advising the Commission on matters causing violence and intimidation in its region;

7.4.6.3 consulting with relevant authorities in it's region to combat or prevent violence and intimidation;

7.4.6.4 guiding LDRC's in their duties;

7.4.6.5 monitoring current applicable Peace Accords and future peace agreements entered into in the relevant region; and

7.4.6.6 informing the NPS of steps taken to prevent violence and intimidation in its region including breaches of Peace Agreements.

7.4.7 The communities within which LDRC's are to be established should be identified by the RDRC's.

7.4.8 LDRC's will be constituted by drawing representatives from signatories reflecting the needs of the relevant community.

7.4.9 Duties of the LDRC's shall include the following:

7.4.9.1 any matter referred to it by either the Commission or the RDRC's;

7.4.9.2 creating trust and reconciliation between grassroots community leadership of relevant organisations, including the SAP and SADF;

7.4.9.3 co-operating with the local Justice of Peace (JP) in combating and preventing violence and intimidation;

7.4.9.4 settling disputes between individuals causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;

7.4.9.5 eliminating conditions which may harm Peace Accords or peaceful relations;

7.4.9.6 reporting and making recommendations to the relevant RDRC's;

7.4.9.7 to promote compliance with currently valid and future Peace Accords and agreements entered into in the relevant area;

7.4.9.8 to agree upon rules and conditions relating to marches, rallies and gatherings;

7.4.9.9 liaise with local police and local magistrates on matters concerning the prevention of violence, the holding of rallies, marches and gatherings.

7.5 Justices of the Peace

7.5.1 It is proposed that additional Justices of the Peace (JP) be appointed after consultation with the relevant parties and the LDRC's. The purpose of the JP's will essentially be to promote the peace process at grassroots level and to assist the LDRC's in their activities.

7.5.2 Duties of JP's shall include the following:

7.5.2.1 investigating any complaint received from anyone pertaining to public violence and intimidation, except where legal processes or investigations instituted by the SAP, other police forces, the Commission, the RDRC's the Ombudsman or a commission of inquiry are dealing with the relevant matter;

7.5.2.2 mediating between relevant parties to a dispute by negotiation;

7.5.2.3 applying rules of natural justice when issuing an order which will be fair and just in the particular circumstances in order to restore peaceful relations;

7.5.2.4 referring facts constituting an offence to the relevant Attorney-General;

7.5.2.5 in co-operation with parties and in consultation with the LDRC's acting as the ears and eyes of LDRC's and reacting in urgent cases;

7.5.2.6 in all matters relating to public violence reporting to the LDRC; and

7.5.2.7 to pronounce as a judgement the terms of a settlement reached at LDRC's or RDRC's; provided that the terms of such settlement are executable.

7.6 RDRC's, LDRC's and JP's shall be empowered to:

7.6.1 request the presence of any person with knowledge of any acts of violence or intimidation to give evidence;

7.6.2 request that any person in possession of any relevant document or other evidentiary material put the same at their disposal; and

7.6.3 protect the indentity and safety of anyone assisting the relevant body as contemplated in 7.6.1 and 7.6.2 by excluding the public and/or media from its proceedings or by limiting access to its documents or reports or by prohibiting the

publication of the contents of any of its documents or reports.

7.7 the NPS shall assist RDRC's in the exercise of their duties.

7.8 RDRC's may limit the number of members of a LDRC taking into account the prevailing circumstances in the community.

7.9 RDRC's shall determine the boundaries of the area constituting the jurisdiction of LDRC's within their own areas of jurisdiction.

7.10 The NPS and the Commission will advise on the policy to be applied to and by the RDRC's and the LDRC's and the management of the said bodies.

7.11 Members of the RDRC's, LDRC's and JP's not in the full-time employment of the State shall be entitled to remuneration and allowances to be paid by the State.

7.12 RDRC's and LDRD's shall appoint chairmen and vice-chairmen to represent the RDRC or LDRC concerned for a period of one year.

7.13 RDRC's and LDRD's shall furnish the National Peace Secretariat, the Commission or the relevant RDRC, as the case may be, with any information required by such bodies.

7.14 In view of the lack of effective peace promoting mechanisms at grassroots level it is urgent that these proposals be implemented as soon as possible. In order to give permanency and effectivity to the proposed sturctures it will have to be given statutory recognition as soon as possible. This should also ensure that the structures bu funded by the State. In drafting the required legislation there should be wide consultation including with the NPC.

7.15 In order to ensure the proper functioning of the LDRC's, it is necessary to:

7.15.1 give them high status in their communities for their role in the peace process;

7.15.2 compensate the members of LDRC's for out-of-pocket expenses for attending meetings; and

7.15.3 train the members of the LDRC's in consiliating disputes, running meetings, negotiating skills,

etc.

CHAPTER 8

NATIONAL PEACE COMMITTEE

8.1 COMPOSITION

8.1.1 The Preparatory Committee has played a crucial role in the process of bringing the major actors together to negotiate a Peace Accord. It should not stop functioning once agreement is reached. There is much to be done in the implementation of the Accord and the establishment of the institutions of peace. It is accordingly proposed that the Preparatory Committee continue as it is presently constituted, except that there should be a neutral chairperson and vice-chairperson drawn from the business community and the religious community, and its name should now become the National Peace Committee (NPC).

8.1.2 The NPC may co-opt additional signatories onto the Committee if the NPC is satisfied that the co-option of the signatory will promote peace and give proper effect to the Peace Accord.

8.1.3 Each signatory party to the NPC shall appoint in writing an authorised representative and alternate to the NPC.

8.2 OBJECTIVE

The objective of the NPC is to monitor and to make recommendation on the implementation of the Peace Accord as a whole and to ensure compliance with the Code of Conduct for Politcal Parties.

8.3 FUNCTIONS

8.3.1 The functions of the National Peace Committee may be to:

8.3.1.1 perform those functions imposed upon it by the Peace Accord;

8.3.1.2 receive and consider reports by the National Peace Secretariat and the Commission;

8.3.1.3 decide disputes concerning the interpretation of the Code of Conduct for Political Parties;

8.3.1.4 resolve disputes concerning alleged transgressions of the Code of Conduct for Political Parties;

8.3.1.5 convene a meeting of the signatories in the event of an unresolved breach of the Peace Accord; and

8.3.1.6 recommend amendments to the Prevention of Public Violence and Intimidation Act, 1991, to give effect to the Peace Accord.

8.4 POWERS

8.4.1 The NPC shall have the following powers:

8.4.1.1 promote the aims and spitirt of the Peace Accord;

8.4.1.2 to convene a meeting of the signatories where necesary;

8.4.1.3 amend the constitution of the NPC;

8.4.1.4 negotiate and conclude further agreements to achieve the objects of the Peace Accord.

8.5 MEETINGS

8.5.1 The NPC shall elect a chairperson who shall not be a representative of any of the signatory parties.

8.5.2 Meetings shall take place on a regular basis at a date and time agreed to in advance.

8.5.3 Urgent meetings shall be convened by the chairperson on not less than 48 hours' notice in writing to the authorised representatives.

8.5.4 The service of written notice of a meeting at the specified address of the authorised person shall constitute due notice.

8.5.5. An urgent meeting shall be called by the chairperson on a written request of one of the signatory parties of the Peace Accord.

8.6 VOTING

8.6.1 All decisions shall be by consensus.

8.6.2 In the event of a dispute over the interpretation of the Peace Accord, the failure of the NPC to achieve consensus at the meeting at which the dispute is raised or at such further meetings as agreed, the dispute shall be referred to expedient arbitration.

8.6.3 In the event of a breach of the Peace Accord not

being resolved by consensus at a meeting of the NPC, the chairperson of the NPC shall convene a meeting of national leadership of the signatories within 30 days of the meeting.

8.7 ARBITRATION

The NPC shall appoint an arbitrator to hear disputes arising out of the interpretation of the Code of Conduct for Political Parties.

CHAPTER 9

ENFORCING THE PEACE AGREEMENT BETWEEN THE PARTIES

9.1 There should be simple and expeditious procedures for the resolution of disputes regarding trangressions of the Code of Conduct for Political Parties by political parties and organizations who were signatories of the Peace Accord. These disputes should wherever possible, be settled :

9.1.1 at grassroots level;

9.1.2 through the participation of the parties themselves ; and

9.1.3 by using the tried methods of mediation, arbitration and adjudication.

9.2 Disputes and complaints regarding the transgression of the Code of Conduct for Political Parties shall be referred to the NPC or a committee to whom it has referred the matter for resolution, if the parties were not able to resolve the dispute themselves.

9.3 Where the dispute cannot be resolved by the NPC or the committee to whom it has been referred to by the NPC, it shall be referred for arbitration.

9.4 The arbitrator shall be a person with legal skills, appointed by the relevant parties by consensus.

9.5 Subject to the above, the procedure of the arbitration shall be as follows :

9.5.1 the complaint shall be referred to the arbitrator by the complaining parties ;

9.5.2 the arbitrator shall decide on a date of hearing and call upon the parties to the dispute to be present at the hearing with their witness ;

9.5.3 the hearing shall be conducted in private ;

9.5.4 the arbitrator shall make a finding on the facts and make an order on the organisation concerned to remedy the breach either by a public distancing of the organisation from the events or by steps to be taken to prevent further breaches of the Code and the time within which the order has to be implemented ;

9.5.5 the arbitrator shall hold a compliance hearing once the time period has expired to determine compliance;

9.5.6 the arbitrator will then submit a report of its findings to the NPS.

9.6 Ideally a Code of Conduct for Political Parties and Organizations should be given statutory expression so as to ensure compliance by all.

CHAPTER 10

SPECIAL CRIMINAL COURTS

10.1 An effective and credible criminal judicial system requires the swift but just dispensing of justice to criminals. This in turn will promote the restoration of peace and prosperity to communities, freeing them of the ravages of violence and intimidation. Special attention should be given to unrest related cases, cases of public violence and cases involving intimidation by setting up Special Criminal Courts specifically for the purpose.

10.2 It is agreed that the Department of Justice, in co-operation with local legal practitioners of the Law Societies and the Bar, should establish project committees to advise the Department of Justice on the administration of the proposed Special Criminal Courts.

10.3 These Special Criminal Courts will not deal with ordinary day-to-day crime. Its function will be to deal with unrest related cases. As a result, cases being heard in these courts will be disposed of swiftly and effectively without delay. Cognisance is taken of the initiave to establish mobile courts in certain areas to bring justice closer to the people. The initiative is supported.

10.4 Special Criminal Courts should be located in areas where its services are most urgently needed. This implies that cases can be heard more expeditiously

than ordinary criminal courts would be able to. This ensures that perpetrators of violence and intimidation will not unnecessarily be let out on bail enabling them to become re-involved in violence and intimidation. This also ensures that those who are maliciously accused of being violent can have their names cleared sooner than is the case at present.

10.5 The Criminal Law Amendment Act of 1991 provides a mechanism for a programme of witness protection. It is based on the voluntary co-operation of the person threatened by others and can also protect his family members. It is agreed that these provisions be actively utilised in areas affected by unrest.

10.6 For unrest, political violence and intimidation related offences to be effectively combated, criminals should be prosecuted as effectively as possible and at the earliest instance.

10.7 It is acknowleged that for Special Criminal Courts to be effective, special procedural and evidential rules should apply. The parties therefore commit themselves to promoting procedural and evidential rules that will facilitate the expeditious and effective hearing of criminal cases.

ANNEXURE II

INTERIM AGREEMENT BETWEEN THE SOUTH AFRICAN POLICE, THE AFRICAN NATIONAL CONGRESS, COSATU, SOUTH AFRICAN COMMUNIST PARTY AND INKATHA FREEDOM PARTY ON THE CONDUCT OF PUBLIC DEMONSTRATIONS

(This agreement was a result of proposals made by a Committee of the Goldstone Commission on the rules and procedures which should apply to mass demonstrations, marches and picketing.)

Pending any new legislation which might flow from the recommendations to be made by the Commission to the State President, the parties recognize and agree that:

1. Members of the public have the right to demonstrate peacefully in public, in order to convey their views effectively and the South African Police have the duty to protect this right;

2. The organisers of demonstrations, the local authority concerned and the South African Police have a duty to ensure that demonstrations are peaceful and that inconvenience caused to persons not participating in the demonstration is kept to a minimum having regard to the nature, place and time of the demonstrations;

3. Participants in demonstrations should not be in possession of dangerous weapons;

4. Reasonable notice of demonstrations should be given by the organisers in order that negotiations can be held with the Local Authority and the South African Police with regard to the conduct of the demonstrations and that such notice will include :

   4.1 The name of the organisers and/or organisation(s);

/...

4.2 The name, address and telephone number of the person authorised by the organisers and/or organisation(s) to represent them in relation to the conduct of the demonstration;

4.3 The purpose of the demonstration;

4.4 The time of the demonstration;

4.5 The place of assembly;

4.6 The route of the demonstration;

4.7 The place where the demonstration will end and the participants disperse;

4.8 The anticipated number of participants;

4.9 If applicable, the number and types of vehicles;

4.10 The number of marshals.

5. Prior negotiations especially with reference to 4.4 to 4.10 above in order to reach agreement on the conduct of the demonstration, if necessary by compromise, between the organisers, the South African Police and the Local Authority are essential in order to ensure that demonstrations are held peacefully.

CAPE TOWN
16 July 1992

ANNEXURE "A"

MEMORANDUM SUBMITTED BY THE TRIPARTITE ALLIANCE AND SOUTH AFRICAN NATIONAL CIVICS ORGANISATION TO THE SOUTH AFRICAN GOVERNMENT CONCERNING THE RESOLUTION OF THE VIOLENCE IN CISKEI AND THE CREATION OF A CLIMATE FOR FREE POLITICAL ACTIVITY

3rd September 1992

The current wave of violence and intimidation in Ciskei has reached alarming proportions. Submissions regarding the nature of the violence and the role of the South African Government and its Defence Force in the current crisis in Ciskei have been made to representatives of the South African government on numerous occasions. We submit the following proposals regarding the resolution of this situation to the South African government for their urgent attention.

The key objectives for the current period in Ciskei must be :

* an end to violence and intimidation by state and political organisations

* the creation of a climate for free political activity in which all political organisations may mobilise freely without hindrance to each other.

We believe that it is the primary responsibility of the South African government to ensure that the above objectives are fulfilled, as they have been the principal agents involved in the creation and support of the Ciskei regime. In pursuing these objectives, however, and in enacting the proposals highlighted hereunder, the South African government needs to consult closely with all representative bodies within Ciskei.

The ANC and its allies wish to state that we have no interest in 'seizing power' in Ciskei. Our sole objective during the current period is to create the political space for our organisation to operate freely.

The proposals we submit to the South African Government are :

1. Brigadier Oupa Gqozo should be removed as 'head of state' in Ciskei, as he has no political legitimacy or mandate to rule over the people of Ciskei, and has demonstrated his disregard for the opinions of the vast majority of people within Ciskei, and further, has waged a campaign of violence against the ANC and other democratic organisations as part

of South Africa's strategy to destabilise this region. This should be accompanied by the de jure downgrading of the independence status of Ciskei, as this has already occurred de facto through the controls and secondments South Africa has arranged with Ciskei. Through a proper process of consultation with all representative organisations an interim administration acceptable to all parties should be appointed in the Ciskei, which will have as its primary goal the impartial administration of Ciskei during the transition and the supervision of the process of reintegration of the territory into South Africa.

2. Section 43 of the Ciskei National Security Act, which prohibits the free activity of any political organisation, and which has already been declared in contravention of the Bill of Rights in Ciskei, should be repealed.

3. South African Military Intelligence officials must be removed from Ciskei, as these officials have been the masterminds behind the current violence and instability in the region.

4. The Peace Force security company must be removed from Ciskei, as their actions in training and arming vigilantes and ADM members are fuelling the conflict in the region.

We believe that these steps are vital to the resolution of the problems outlined above. We call on the South African government to undertake these steps with the utmost urgency, and note that failure to take these steps will allow the current situation to escalate further.

The people of Ciskei will be gathering in Bisho on the 7th September 1992 in support of these demands, and we will wait in Bisho until a representative of the South African government informs us that these demands have been adequately addressed, and can give us satisfactory assurance that there will be an end to violence in the Ciskei, and the creation of a climate for free political activity.

Signed this 3rd day of September 1992 in East London

for Tripartite Alliance and SANCO

ANNEXURE "B"

Die Staatspresident
The State President
Pretoria

4 September 1992

Mr N Mandela
President
African National Congress
P O Box 61884
MARSHALLTOWN
2307

Dear Mr Mandela

You will be aware that certain actions are being planned for 7 September 1992 in the Ciskei. In view of indications that the situation could lead to a confrontation with serious consequences, I wish to convey to you my concern in this regard.

I have today received the attached Memorandum from the office of the ANC in East London. The government has no objection to peaceful demonstrations which take place within the parameters of the National Peace Accord and the guidelines of the Goldstone Commission. For this reason I do not question the key objectives of the organisers of the planned march as they have defined them.

From our side we are doing everything possible to help in the arrangement of an agreement between all those involved which will ensure that the planned action takes place peacefully. I appeal to you to ensure that the ANC will give its full co-operation in this regard.

I also sincerely hope that the organisers, in their planning, will ensure that the reasonable conditions of other parties involved, will be accommodated. I am sure you would agree that everything possible should be done in the interests of peace; that arrangements be closely co-ordinated and agreements concerning the manner in which the march will be conducted, be kept.

It is, of course, unrealistic and neither in the spirit of the Peace Accord, nor in line with your commitment to a negotiated solution, that the South African Government be required to act as demanded in the attached Memorandum. The substance of the demands form part of what must still be negotiated. This again underlines the need for a speedy

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return to the negotiating table.

I am sure you will agree that it is imperative that the volatile situation in the Eastern Cape should be defused. I believe that through close co-operation with the existing peace structures this can be achieved. A confrontation leading to possible loss of life would have incalculable implications for all of us and should be avoided at all cost.

Yours sincerely

Signed :
F W DE KLERK

ANNEXURE "C"

AFRICAN NATIONAL CONGRESS

51 Plein Street
Johannesburg 2001
P.O.Box 61884
Marshalltown 2107

OFFICE OF THE PRESIDENT
The State Pesident
The Honourable
Mr F.W. de Klerk

Pretoria

4 September 1992

Dear Mr De Klerk

I acknowledge receipt of your fax dated 4 September 1992, the contents of which have been noted and for which I thank you.

We note that the government has no objection to peaceful demonstrations which take place within the parameters of the National Peace Accord and the guidelines of the Goldstone Commission.

We further note that you do not question the key objectives of the organisers of the planned march as defined, and that you are doing everything possible to help in the arrangement of an agreement between all those involved, which will ensure that the planned action in the Ciskei on September 7 takes place peacefully.

We will ensure that the ANC fully co-operates in this regard. The planned action is no different from the various forms of mass action that have been recently conducted by the ANC. In fact in our view it is similar to the mass demonstration which was conducted at the Union Buildings on the 5th of August.

We are convinced that this demonstration will not differ from the recent mass activities which have occurred throughout the country.

We are disturbed by the reports of the units of the SADF which have arrived in the Ciskei. It is this type of action

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that is likely to increase tension, as it strengthens the perception that the SADF is biased toward Brigadier Gqozo. We call upon you to withdraw all units of the SADF in the area as their presence can only lead to the deepening of tensions.

We trust that you will co-operate with us in this matter to ensure that the rights to demonstrate peacefully is upheld as a norm of South African Life.

Your sincerely

Signed :
Nelson Mandela
President, African National Congress

ANNEXURE "D"

Die Staatspresident
The State President
Pretoria

6 September 1992

Mr N Mandela
President
African National Congress
P O Box 61884
MARSHALLTOWN
2307

Dear Mr Mandela

Thank you for the prompt and constructive reply to my letter of 4 September 1992.

We have been informed that the Ciskei Government has applied to the Supreme Court of Ciskei for an interdict to prevent the mass-action planned by the ANC/SACP in Ciskei on 7 September 1992.

I am sure that you will agree with me that all parties concerned should respect the letter and the spirit of the decision of the Court, whatever it might be, and that they should co-operate within the framework of existing agreements and structures to prevent any outbreak of violence.

If the Court rules in favour of the Ciskei Government, the ANC should seriously reconsider its proposed march to Ciskei, bearing in mind the volatile security situation in the region and the very real possibility of a loss of life. I wish to urge upon you the importance of responding positively in this regard.

As you are aware, the South African Government accepts the principle of peaceful protest. It would be prepared to co-operate with the ANC with regard to the holding of an appropriate mass-action at a suitable location in King Williams's Town. Since the ANC's proposals are directed to the South African Government, it would in any event be more appropriate for them to be handed to a representative of the South African Government, rather than to a representative of the Ciskei Government.

Deputy Ministers Breytenbach and Myburgh are in the area and will be prepared to discuss the modalities for such a mass

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action within the parameters of the National Peace Accord and the guidelines of the Goldstone Commission. The Deputy Ministers would also wish to discuss broader security concerns within the region.

If the Court rules against the Ciskei Government, the South African Government will likewise urge the Ciskei Government to abide by the decision. The South African Government would then offer to provide any assistance which might help to ensure that the mass-action takes place in a peaceful manner. In these circumstances Deputy Ministers Breytenbach and Myburgh would be available to discuss arrangements for the mass-action with the ANC within the parameters of the National Peace Accord and the guidelines of the Goldstone Commission.

I should like to reiterate that the situation which has arisen in the Ciskei can best be dealt with within the framework of comprehensive constitutional negotiations and makes the early resumption of such negotiations more imperative than ever.

I am sure that you will agree with me that time is of the essence and that we should do everything within our power to defuse this potentially explosive situation as soon as possible.

Yours sincerely

Signed :
FW DE KLERK

Postscript

The above letter was dictated and typed before our telephone conversation this evening. I have tried to convey to you during our discussion the very same sentiments expressed in the letter and, arising from our discussion, confirm the following:

1. The declaration of a number of districts as unrest areas and the possibility of road-blocks are intended to enable the Security Forces to deal effectively with the volatile situation on the South African side of the border, and to ensure that protest actions will be peaceful, lawful and in accordance with the terms of the Peace Accord and the guidelines of the Goldstone Commission.

2. You indicated that whatever the Court might rule, you would nonetheless prefer to see the Ciskei Government allow mass-action in or near Bisho, subject to mutually acceptable agreements with regard to the nature of the proposed

action, bearing in mind the terms of the Peace Accord and the guidelines of the Goldstone Commission. As regards the situation in Ciskei, I emphasised that authority rests with the Government of Ciskei and that we see the solution, in the event of the Ciskei Government not allowing mass-action on their side of the border, in reaching agreement on such action taking place at a suitable location in King William's Town. You furthermore indicated that senior representatives of your side would be available to negotiate with the South African Government and also the Ciskei Government.

I remain convinced that everything possible should be done to defuse the situation as soon as possible and that, in the event of the Ciskei Supreme Court ruling against you, your actions should be directed to a suitable location in South Africa.

The issues raised in the run-up to your proposed mass-action of tomorrow can in the final analysis, only be dealt with through inclusive negotiations. Confrontation, and possible conflict, can only be counter-productive.

It seems appropriate to await the outcome of the Court application and thereafter to take the matter further. Minister Kobie Coetsee is co-ordinating the matter from the Government's side and I would appreciate it if you would arrange that he be contacted by your representative to take the matter further.

Minister Coetsee can be contacted at (012) 435744

ANNEXURE "E"

AFRICAN NATIONAL CONGRESS

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Johannesburg
P.O. Box 61884
Marshalltown 2107

Tel: (011) 330-7273/7052
Fax: (011) 333-7739
Telex: 421252

OFFICE OF THE PRESIDENT

September 6, 1992

Mr. F.W. De Klerk
The State President
Pretoria
0001

Fax: 012/342 2947 (H)
012/323 8866 (O)

Dear Mr De Klerk,

I refer to our conversation earlier this evening and I confirm that what you conveyed to me is inconsistent with the contents of your letter of September 4, 1992.

In that letter you refer expressly to actions being planned in the Ciskei on September 7, 1992. You then state that your government has no objection to peaceful demonstrations which take place within the parameters of the National Peace Accord and the guidelines of the Goldstone Commission.

For this reason, you point out, you do not question the key objectives of the organisers of the planned march as have been defined.

Your further point out that you are doing everything possible to help in the arrangement of an agreement between all those involved which will ensure that the planned action takes place peacefully. You then appeal to me to ensure that the ANC gives its cooperation in this regard. I readily assured you of our cooperation.

All these statements and assurances concerned what is planned inside, and not outside, the Ciskei.

Your entire position today has drastically shifted. Nowhere in the above-mentioned letter did you even hint that, while you were soliciting our cooperation, you were at the same time deploying troops on the Ciskeian borders, erecting road blocks and declaring unrest areas, all of which will, to

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ANNEXURE "E"

AFRICAN NATIONAL CONGRESS

51 Plein Street
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OFFICE OF THE PRESIDENT

September 6, 1992

Mr. F.W. De Klerk
The State President
Pretoria
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Fax: 012/342 2947 (H)
012/323 8866 (O)

Dear Mr De Klerk,

I refer to our conversation earlier this evening and I confirm that what you conveyed to me is inconsistent with the contents of your letter of September 4, 1992.

In that letter you refer expressly to actions being planned in the Ciskei on September 7, 1992. You then state that your government has no objection to peaceful demonstrations which take place within the parameters of the National Peace Accord and the guidelines of the Goldstone Commission.

For this reason, you point out, you do not question the key objectives of the organisers of the planned march as have been defined.

Your further point out that you are doing everything possible to help in the arrangement of an agreement between all those involved which will ensure that the planned action takes place peacefully. You then appeal to me to ensure that the ANC gives its cooperation in this regard. I readily assured you of our cooperation.

All these statements and assurances concerned what is planned inside, and not outside, the Ciskei.

Your entire position today has drastically shifted. Nowhere in the above-mentioned letter did you even hint that, while you were soliciting our cooperation, you were at the same time deploying troops on the Ciskeian borders, erecting road blocks and declaring unrest areas, all of which will, to

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ANNEXURE "F"

7 September 1992

Mr N Mandela
President
African National Congress
PO Box 61884
MARSHALLTOWN
2307

Dear Mr Mandela

I acknowledge receipt of your fax dated 6 September 1992 and find it unfortunate that you seek inconsistency where it does not exist.

All our efforts have been aimed at facilitating agreements which would avoid confrontation and ensure that peaceful demonstrations should be allowed, subject to compliance with certain reasonable conditions.

My discussion with you last night focused on the possibility of a court order prohibiting your planned actions in Ciskei. Had the order been granted it would have created a situation requiring adaptation to new circumstances, since the South African Government does recognise the decisions of the Ciskei Supreme Court.

As you are aware, the Ciskei Supreme Court decided that the Magistrate of Zwelitsha should rule on the planned demonstration, and that he has decided that it may, subject to certain conditions, proceed. In the interest of peace, and with a view to avoiding any loss of life, I would like to make a most serious and urgent appeal to you to ensure that your side complies with the conditions laid down by the Magistrate.

As undertaken in my letter to you yesterday, the South African Government is urging the Ciskei Government to abide by the decision and is providing its good offices to all parties to urge them to ensure that the mass-action takes place in a peaceful manner.

However, at no stage did I indicate that the South African Government would "interfere" in the affairs of Ciskei. Efforts to facilitate agreements cannot be termed as interference.

You refer, once again, to the Government's moves to ensure security on the South African side of the border, and state

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that these actions will "create new tensions". These moves were necessary because of the acute tensions which had already been created in the area by your planned mass-action. As I pointed out in my letter yesterday, their purpose was not to prevent demonstrations, but to "ensure that protest actions will be peaceful, lawful and in accordance with the terms of the Peace Accord and the guidelines of the Goldstone Commission".

Media reports here and abroad abound with warnings of an increasingly explosive situation erupting into large-scale violence in Bisho and the surrounding areas. Our own evaluation confirms this risk. It is my Government's primary responsibility to curb violence - a responsibility recognised by the recent Security Council decisions.

I am aware that you do not recognise the independence of Ciskei. This, however, is one of the key issues which must be dealt with in inclusive negotiations. It cannot be resolved by unilateral and confrontational action. Indeed, you did not raise any objections to the participation of the TBVC States at CODESA. Furthermore, substantial progress was made in Working Group 4 of CODESA on procedures for the reincorporation of any of the TBVC States whose people show such a preference in a test of their will. The ANC is on record as saying that until Transkei is reincorporated, interference in that country's affairs would not be countenanced. The ANC also accepts the decisions of the Courts of Transkei.

I would urge you, once again, to do everything in your power to ensure that today's actions take place peacefully and within the framework of the Peace Accord and the guidelines of the Goldstone Commission.

Your sincerely

Signed :
FW DE KLERK